

WEBER COUNTY (UTAH). PROBATE COURT ^[1301]

CIVIL AND CRIMINAL CASE FILES, 1852-1887.

5 cu. ft. and 7 microfilm reels

DESCRIPTION: In 1852, the Utah Territorial Legislature provided that the Probate Court should have jurisdiction not only in estate and guardianship matters, but original jurisdiction in civil, criminal, and chancery cases. The Probate Court could act as an appellant court to the Justice of the Peace Courts in the County, and decisions made in the Probate Court could be appealed to the District Court. This series includes those cases handled by the Probate Court which are not probate or estate cases. Civil cases include primarily divorce, debt, replevin, damages, contract and property disputes. Criminal cases include larceny, robbery, assault, burglary, disturbing the peace, and contempt of court charges, as well as others. Other case types include appeals and habeas corpus hearings. In 1874, the federal Poland Act revoked the jurisdiction of the Probate Court over all but divorce and probate cases. In 1887, the federal Edmunds-Tucker act revoked Probate Court jurisdiction in divorce cases, and with that Act, the creation of this series ended.

Generally, case files include a number of discrete documents. These documents may include an initiating petition, summons and subpoenas issued to the parties in the case and to witnesses and potential jury members, bonds, exhibits, statements of fees, and other documents created and filed with the Court during the process of the trial action. Criminal cases may also include grand jury indictments, jury verdicts, and orders of commitment to the penitentiary. Civil cases may include affidavits of publication of summons in those cases where the defendant was not served personally, as well as decrees detailing the disposition of the case. Appeals may include the transcript of the proceedings of the lower court.

This series also includes items that are not case files as such, but individual documents filed with the court. For example, transcripts of hearings in other courts may have been filed with the court and are represented in this series. Individual pieces of correspondence which are not related to a case file before the court may also be included as a separate file.

Divorces make up the largest portion of these case files. Prior to 1878, Utah Territory had one of the most liberal divorce laws in the United States and did not require residency in order to obtain a divorce within the territory. A simple statement that the married couple could not live in peace and union together was sufficient grounds for the granting of a divorce decree. As such, once the establishment of the railroad system provided regular access to the territory in 1869, the Probate Court handled many divorces for persons who could not meet the stricter laws regarding the granting of divorces in their home states. In 1878, the territorial Legislature changed the law to require residency, thereby decreasing significantly the number of divorces handled by the Probate Court.

ARRANGEMENT: Case files are arranged chronologically based on the filing date of the initiating petition prior to 1879. Starting in 1879, case files are arranged numerically by case number, with case numbers being assigned roughly chronologically based on the filing date of the initiating petition.

For civil case files filed prior to 1879, case dates are based on the clerk's or judge's filing date written on the complaint. If that is not available, the filing date of the initiating petition as recorded in the minutes is used. If neither of those dates is available, the date used is either the date the complaint was signed, or the date of the first surviving document filed with the court. For criminal cases, the date of the grand jury indictment is used if available. If not, the date of the initiating complaint is used or the date of the first surviving document filed with the Probate Court.

RESEARCH NOTE: For the most part, case files are not complete pictures of the case. Many motions and judgments that today would be represented by a separate document were only recorded in the minutes. In many instances, the disposition of the case was not kept as a distinct document and so cannot be found in these files. Some of the documents filed may not have survived, so the user is advised to consult series 83901, CIVIL AND CRIMINAL CASE REGISTERS OF ACTIONS for additional information. The Records of actions may also contain information about cases for which no element of the case file has survived. Cases involving the same individuals in close time frames may have documents relevant to both cases in only one file, that usually being the first one.

These case files also include a number of transcripts related to criminal proceedings which postdate the end of the court's jurisdiction over criminal matters in 1874. Most of these transcripts were generated by Justice of the Peace Courts in Weber County and may have been filed with the Probate Court as a prelude to an appeal in the District Court, or possibly in relation to an execution of judgment to be carried out.

RELATED RECORDS: Series 83901, CIVIL AND CRIMINAL CASE REGISTERS OF ACTIONS, acts as records of the proceedings to most cases between the years of 1869 and 1887.

CUSTODY HISTORY: At some point these files were transferred from the Probate Court to the District Court, most likely in 1896 when the estate function of the Probate Court was given to the District Court. Following this transfer the cases were divided into three series: civil, divorce, and criminal proceedings. The criminal and divorce cases were rearranged into alphabetical order by last name and all three series were microfilmed. The hard copy and microfilm of the case files were transferred to the Archives at a later date from the District Court (Second District: Weber County).

PROCESSING NOTE: Archival processing of this series was completed by A. B. Schmuland in October 2001. The original order of the case files was reestablished at this time, documents were moved into appropriate case files, and an electronic index to the case files was created during this procedure. The documents had been microfilmed prior to processing, and with the amount of reorganization of records necessitated by processing, the filming was deaccessioned. The series will be refilmed for ease of research use.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

CONTAINER LIST

Reel	Box	Folder	Description
1	1	1	Jan 31 1852
1	1	2	Feb 16 1852
1	1	3	May 8 1852
1	1	4	Feb 8 1853
1	1	5	Feb 28 1853
1	1	6	Apr 2 1853
1	1	7	Aug 1 1853
1	1	8	Nov 26 1853
1	1	9	Dec 7 1853
1	1	10	Dec 12 1853
1	1	11	Jan 3 1854
1	1	12	Feb 14 1854
1	1	13	Oct 3 1854
1	1	14	Oct 4 1854
1	1	15	Nov 6 1854
1	1	16	Dec 28 1854
1	1	17	Dec 29 1854
1	1	18	Jan 10 1855
1	1	19	Jan 10 1855
1	1	20	Mar 15 1855
1	1	21	Apr 4 1855
1	1	22	Apr 5 1855
1	1	23	Apr 9 1855

Reel	Box	Folder	Description
1	1	24	Apr 11 1855
1	1	25	Apr 12 1855
1	1	26	Jul 25 1855
1	1	27	Sep 5 1855
1	1	28	Nov 22 1855
1	1	29	Nov 22 1855
1	1	30	Nov 26 1855
1	1	31	Dec 13 1855
1	1	32	Dec 19 1855
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1	1	45	Sep 2 1857
1	1	46	Jan 1 1858
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1	1	53	Mar 15 1859
1	1	54	Apr 14 1859
1	1	55	May 13 1859
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1	1	59	Nov 18 1859
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1	1	63	Mar 5 1860
1	1	64	Mar 13 1860
1	1	65	Mar 14 1860
1	1	66	May 6 1860
1	1	67	Jun 6 1860
1	1	68	Sep 1 1860
1	1	69	Sep 1 1860
1	1	70	Sep 1 1860
1	1	71	Sep 1 1860

Reel	Box	Folder	Description
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1	1	73	Sep 5 1860
1	1	74	Sep 10 1860
1	1	75	Sep 11 1860
1	1	76	Sep 12 1860
1	1	77	Sep 15 1860
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1	1	114	Jul 22 1861
1	1	115	Jul 23 1861
1	1	116	Aug 2 1861
1	1	117	Sep 4 1861
1	1	118	Sep 23 1861
1	1	119	Oct 16 1861

Reel	Box	Folder	Description
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1	1	121	Nov 5 1861
1	1	122	Dec 9 1861
1	1	123	Dec 14 1861
2	1	124	Dec 19 1861
2	1	125	Dec 26 1861
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2	1	128	Dec 28 1861
2	1	129	Jan 4 1862
2	1	130	Jan 14 1862
2	1	131	Feb 22 1862
2	1	132	Mar 4 1862
2	1	133	Apr 19 1862
2	1	134	Apr 22 1862
2	1	135	May 22 1862
2	1	136	May 22 1862
2	1	137	Jun 21 1862
2	1	138	Jun 28 1862
2	1	139	Aug 4 1862
2	1	140	Aug 20 1862
2	1	141	Sep 27 1862
2	1	142	Sep 27 1862
2	1	143	Oct 15 1862
2	1	144	Oct 29 1862
2	1	145	Nov 4 1862
2	1	146	Nov 4 1862
2	1	147	Nov 8 1862
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2	1	149	Dec 2 1862
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2	2	9	Jun 9 1863
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2	2	12	Oct 1 1863
2	2	13	Oct 3 1863
2	2	14	Oct 17 1863
2	2	15	Oct 25 1863
2	2	16	Nov 14 1863
2	2	17	Nov 16 1863

Reel	Box	Folder	Description
2	2	18	Mar 12 1864
2	2	19	Mar 21 1864
2	2	20	Apr 7 1864
2	2	21	Apr 16 1864
2	2	22	Apr 26 1864
2	2	23	May 31 1864
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2	2	25	Jun 23 1864
2	2	26	Jul 22 1864
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2	2	60	Mar 12 1866
2	2	61	Mar 12 1866
2	2	62	Mar 18 1866
2	2	63	Apr 3 1866
2	2	64	Mar 23 1866
2	2	65	Apr 3 1866

Reel	Box	Folder	Description
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2	2	67	Apr 14 1866
2	2	68	Apr 14 1866
2	2	69	Apr 14 1866
2	2	70	Apr 16 1866
2	2	71	Apr 18 1866
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2	2	74	Jul 4 1866
2	2	75	Jul 6 1866
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2	2	108	Jan 3 1868
2	2	109	Jan 8 1868
2	2	110	Jan 24 1868
2	2	111	Feb 19 1868
2	2	112	Mar 24 1868
2	2	113	Mar 28 1868

Reel	Box	Folder	Description
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2	2	115	Apr 3 1868
2	2	116	Apr 18 1868
2	2	117	Jun 6 1868
2	2	118	Jun 6 1868
2	2	119	Jul 15 1868
2	2	120	Sep 5 1868
2	2	121	Nov 17 1868
2	2	122	Nov 23 1868
2	2	123	Mar 8 1869
2	2	124	Mar 31 1869
2	2	125	Apr 2 1869
2	2	126	Apr 2 1869
2	2	127	Apr 2 1869
2	2	128	Apr 14 1869
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3	2	132	Jul 26 1869
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3	2	144	Jan 15 1870
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3	3	10	Mar 30 1870
3	3	11	Apr 9 1870

Reel	Box	Folder	Description
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3	3	13	Apr 21 1870
3	3	14	Apr 21 1870
3	3	15	Apr 22 1870
3	3	16	Apr 23 1870
3	3	17	Apr 30 1870
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3	3	54	Nov 26 1872
3	3	55	Dec 30 1872
3	3	56	Jan 7 1873
3	3	57	Jan 14 1873
3	3	58	Jan 14 1873
3	3	59	Jan 15 1873

Reel	Box	Folder	Description
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3	3	62	Mar 12 1873
3	3	63	Mar 24 1873
3	3	64	Apr 10 1873
3	3	65	May 21 1873
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3	3	68	Jul 15 1873
3	3	69	Jul 15 1873
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3	3	72	Jul 28 1873
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3	3	75	Aug 29 1873
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4	3	107	Feb 7 1874

Reel	Box	Folder	Description
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4	3	150	Jan 14 1875
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4	4	4	Mar 26 1875
4	4	5	Apr 14 1875

Reel	Box	Folder	Description
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4	4	8	Jul 15 1875
4	4	9	9 Jul 22 1875
4	4	10	Aug 3 1875
4	4	11	Aug 17 1875
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4	4	39	Mar 14 1876
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4	4	41	Apr 1 1876
4	4	42	Apr 12 1876
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4	4	44	Apr 28 1876
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4	4	47	May 8 1876
4	4	48	May 8 1876
4	4	49	May 16 1876
4	4	50	May 23 1876
4	4	51	May 25 1876
4	4	52	Jun 1 1876

Reel	Box	Folder	Description
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4	4	54	Jun 29 1876
4	4	55	Jul 7 1876
4	4	56	Jul 18 1876
4	4	57	Jul 21 1876
4	4	58	Sep 18 1876
4	4	59	Oct 16 1876
4	4	60	Oct 17 1876
4	4	61	Oct 17 1876
4	4	62	Jan 16 1877
4	4	63	Apr 28 1877
4	4	64	May 15 1877
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4	4	70	Oct 3 1877
4	4	71	Nov 1 1877
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4	4	73	Nov 26 1877
5	4	74	Nov 30 1877
5	4	75	Nov 30 1877
5	4	76	Dec 11 1877
5	4	77	Dec 14 1877
5	4	78	Jan 2 1878
5	4	79	Jan 15 1878
5	4	80	Jan 22 1878
5	4	81	Jan 30 1878
5	4	82	Jan 30 1878
5	4	83	Apr 29 1878
5	4	84	May 14 1878
5	4	85	May 25 1878
5	4	86	May 31 1878
5	4	87	Jun 10 1878
5	4	88	Jun 10 1878
5	4	89	Jun 29 1878
5	4	90	Jul 5 1878
5	4	91	Jul 8 1878
5	4	92	Aug 5 1878
5	4	93	Aug 5 1878
5	4	94	Aug 13 1878
5	4	95	Aug 29 1878
5	4	96	Aug 30 1878
5	4	97	Sep 2 1878
5	4	98	Sep 21 1878
5	4	99	Oct 2 1878
5	4	100	Nov 5 1878

Reel	Box	Folder	Description
5	4	101	Dec 3 1878
5	4	102	Dec 19 1878
5	4	103	Jan 10 1879
5	4	104	Feb 21 1879
5	4	105	Mar 17 1879
5	4	106	Mar 17 1879
5	4	107	Apr 19 1879
5	4	108	Apr 29 1879
5	4	109	May 3 1879
5	4	110	May 16 1879
5	4	111	May 26 1879
5	4	112	2; Jun 9 1879
5	4	113	Jul 16 1879
5	4	114	4; Aug 6 1879
5	4	115	5; Aug 16 1879
5	4	116	7; Sep 10 1879
5	4	117	9; Oct 21 1879
5	4	118	10; Oct 22 1879
5	4	119	11; Oct 24 1879
5	4	120	14; Nov 2 1879
5	4	121	15; Dec 2 1879
5	4	122	16; Dec 2 1879
5	4	123	18; Dec 30 1879
5	4	124	19; Jan 21 1880
5	4	125	20; Jan 26 1880
5	4	126	22; Feb 14 1880
5	4	127	23; Feb 16 1880
5	4	128	25; Mar 15 1880
5	4	129	26; Mar 29 1880
5	4	130	31; Jul 10 1880
5	4	131	32; Jul 21 1880
5	4	132	33; Jul 30 1880
5	4	133	35; Aug 19 1880
5	4	134	40; Oct 12 1880
5	4	135	42; Oct 18 1880
5	4	136	43; Nov 18 1880
5	4	137	44; Nov 26 1880
5	4	138	46; Dec 30 1880
5	4	139	48; Jan 15 1881
5	4	140	51; Feb 14 1881
5	4	141	53; Feb 22 1881
5	4	142	55; Mar 29 1881
5	4	143	56; May 20 1881
5	4	144	57; May 30 1881
5	4	145	58; Jul 1 1881
5	4	146	60; Aug 10 1881
5	4	147	61; Aug 23 1881
5	4	148	62; Sep 5 1881

Reel	Box	Folder	Description
5	4	149	63; Sep 8 1881
5	4	150	65; Oct 13 1881
5	5	1	66; Oct 27 1881
5	5	2	72; Jan 20 1882
5	5	3	73; Jan 25 1882
5	5	4	74; Feb 26 1882
5	5	5	79; Mar 3 1882
5	5	6	80; Mar 21 1882
5	5	7	81; Mar 29 1882
6	5	8	82; Apr 1 1882
6	5	9	85; May 5 1882
6	5	10	87; Jun 1 1882
6	5	11	95; Nov 11 1882
6	5	12	99; Nov 22 1882
6	5	13	100; Nov 23 1882
6	5	14	101; Nov 23 1882
6	5	15	102; Dec 16 1882
6	5	16	106; Jan 10 1883
6	5	17	107; Feb 2 1883
6	5	18	108; Mar 8 1883
6	5	19	110; Mar 15 1883
6	5	20	112; Mar 27 1883
6	5	21	116; May 9 1883
6	5	22	117; May 22 1883
6	5	23	118; May 22 1883
6	5	24	120; Jun 1 1883
6	5	25	121; Jun 6 1883
6	5	26	123; Jun 27 1883
6	5	27	125; Aug 3 1883
6	5	28	124; Aug 7 1883
6	5	29	126; Sep 1 1883
6	5	30	128; Sep 15 1883
6	5	31	134; Oct 6 1883
6	5	32	135; Dec 4 1883
6	5	33	136; Dec 11 1883
6	5	34	139; Jan 7 1884
6	5	35	141; Jan 14 1884
6	5	36	146; Feb 25 1884
6	5	37	150; Apr 21 1884
6	5	38	153; Jun 6 1884
6	5	39	154; Jun 6 1884
6	5	40	156; Jun 17 1884
6	5	41	158; Jul 12 1884
6	5	42	162; Sep 4 1884
6	5	43	163; Sep 22 1884
6	5	44	168; Oct 22 1884
6	5	45	174; Dec 23 1884
6	5	46	177; Dec 29 1884

Reel	Box	Folder	Description
6	5	47	178; Dec 30 1884
6	5	48	180; Jan 9 1885
6	5	49	181; Jan 17 1885
6	5	50	182; Jan 30 1885
6	5	51	187; Feb 28 1885
6	5	52	190; Jun 8 1885
6	5	53	193; Jul 13 1885
6	5	54	199; Aug 14 1885
6	5	55	202; Apr 22 1885
6	5	56	204; Sep 19 1885
6	5	57	205; Oct 6 1885
6	5	58	206; Oct 9 1885
6	5	59	207; Oct 28 1885
6	5	60	209; Oct 31 1885
6	5	61	211; Dec 9 1885
6	5	62	213; Jan 27 1886
6	5	63	216; Mar 20 1886
6	5	64	217; Mar 27 1886
6	5	65	219; Apr 20 1886
6	5	66	222; May 20 1886
6	5	67	May 28 1886
6	5	68	223; May 29 1886
6	5	69	224; Jun 14 1886
6	5	70	225; Jun 18 1886
6	5	71	230; Aug 16 1886
6	5	72	231; Sep 9 1886
6	5	73	232; Oct 4 1886
6	5	74	234; Oct 25 1886
7	5	75	236; Nov 30 1886
7	5	76	238; Dec 11 1886
7	5	77	241; Jan 4 1887
7	5	78	247; Feb 18 1887
7	5	79	n.d.
7	5	80	n.d.